

1-1 By: Rodríguez S.B. No. 692  
 1-2 (In the Senate - Filed January 31, 2017; February 15, 2017,  
 1-3 read first time and referred to Committee on Intergovernmental  
 1-4 Relations; April 11, 2017, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 4, Nays 2;  
 1-6 April 11, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14			X	
1-15		X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 692 By: Garcia

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to regulation by certain counties of lots in platted  
 1-20 subdivisions that have remained undeveloped.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 232.008(h), Local Government Code, is  
 1-23 amended to read as follows:

1-24 (h) Regardless of the date land is subdivided or a plat is  
 1-25 filed for a subdivision, the commissioners court may deny a  
 1-26 cancellation under this section if the commissioners court  
 1-27 determines the cancellation will prevent the proposed  
 1-28 interconnection of infrastructure to pending or existing  
 1-29 development as defined by Section 232.0395 [232.0085].

1-30 SECTION 2. Section 232.0085, Local Government Code, is  
 1-31 transferred to Subchapter B, Chapter 232, Local Government Code,  
 1-32 redesignated as Section 232.0395, Local Government Code, and  
 1-33 amended to read as follows:

1-34 Sec. 232.0395 [232.0085]. CANCELLATION OF CERTAIN  
 1-35 SUBDIVISIONS IF LAND REMAINS UNDEVELOPED. (a) This section  
 1-36 applies only to real property located in the unincorporated area  
 1-37 of [÷

1-38 ~~[(1) outside municipalities and the extraterritorial~~  
 1-39 ~~jurisdiction of municipalities, as determined under Chapter 42, and~~

1-40 ~~[(2) in] an affected county, as defined by Section~~  
 1-41 ~~16.341, Water Code, that:~~

1-42 (1) has adopted the model rules developed under  
 1-43 Section 16.343, Water Code; [÷] and

1-44 (2) is located along an international border.

1-45 (b) The commissioners court of a county may cancel, after  
 1-46 notice and a hearing as required by this section, a subdivision for  
 1-47 which the plat was filed and approved before September 1, 1989, if:

1-48 (1) the development of or the making of improvements  
 1-49 in the subdivision was not begun before June 5, 1995 [~~the effective~~  
 1-50 ~~date of this section~~]; and

1-51 (2) the commissioners court by resolution has made a  
 1-52 finding that the land in question is likely to be developed as a  
 1-53 colonia.

1-54 (c) The commissioners court must publish notice of a  
 1-55 proposal to cancel a subdivision under this section and the time and  
 1-56 place of the required hearing in a newspaper of general circulation  
 1-57 in the county for at least 21 days immediately before the date a  
 1-58 cancellation order is adopted under this section. The county tax  
 1-59 assessor-collector shall, not later than the 14th day before the  
 1-60 date of the hearing, deposit with the United States Postal Service a

2-1 similar notice addressed to each owner of land in the subdivision,  
 2-2 as determined by the most recent county tax roll.

2-3 (d) At the hearing, the commissioners court shall permit any  
 2-4 interested person to be heard. At the conclusion of the hearing,  
 2-5 the court shall adopt an order on whether to cancel the subdivision.  
 2-6 The commissioners court may adopt an order canceling a subdivision  
 2-7 if the court determines the cancellation is in the best interest of  
 2-8 the public. The court may not adopt an order canceling a  
 2-9 subdivision if:

2-10 (1) the cancellation interferes with the established  
 2-11 rights of a person who is a nondeveloper owner and owns any part of  
 2-12 the subdivision, unless the person agrees to the cancellation; or

2-13 (2) the owner of the entire subdivision is able to show  
 2-14 that:

2-15 (A) the owner of the subdivision is able to  
 2-16 comply with the minimum state standards and model political  
 2-17 subdivision rules developed under Section 16.343, Water Code,  
 2-18 including any bonding requirements; or

2-19 (B) the land was developed or improved within the  
 2-20 period described by Subsection (b).

2-21 (e) The commissioners court shall file the cancellation  
 2-22 order for recording in the deed records of the county. After the  
 2-23 cancellation order is filed and recorded, the property shall be  
 2-24 treated as if it had never been subdivided, and the county chief  
 2-25 appraiser shall assess the property accordingly. Any liens against  
 2-26 the property shall remain against the property as it was previously  
 2-27 subdivided.

2-28 (f) In this section:

2-29 (1) "Development" means the making, installing, or  
 2-30 constructing of buildings and improvements.

2-31 (2) "Improvements" means water supply, treatment, and  
 2-32 distribution facilities; wastewater collection and treatment  
 2-33 facilities; and other utility facilities. The term does not  
 2-34 include roadway facilities.

2-35 (3) "Nondeveloper owner" means a person who:

2-36 (A) owns one or more lots in a subdivision to be  
 2-37 occupied as the owner's personal residence; and

2-38 (B) has not participated and does not participate  
 2-39 in the marketing, promotion, or offering of lots for sale or lease  
 2-40 as part of a common promotional plan in the ordinary course of  
 2-41 business.

2-42 SECTION 3. Subchapter B, Chapter 232, Local Government  
 2-43 Code, is amended by adding Section 232.045 to read as follows:

2-44 Sec. 232.045. APPLICABILITY OF INFRASTRUCTURE REQUIREMENTS  
 2-45 TO LOTS UNDEVELOPED FOR 25 YEARS OR MORE. (a) This section applies  
 2-46 only to a county with a population of more than 800,000 that is  
 2-47 adjacent to an international border.

2-48 (b) A commissioners court by order may implement a process:

2-49 (1) applicable to a subdivision in which 50 percent or  
 2-50 more of the lots are undeveloped or unoccupied on or after the 25th  
 2-51 anniversary of the date the plat for the subdivision was recorded  
 2-52 with the county; and

2-53 (2) through which the county, to the extent  
 2-54 practicable, may apply to the subdivision more current street,  
 2-55 road, drainage, and other infrastructure requirements.

2-56 (c) A regulation or standard adopted by a county under this  
 2-57 section must be no less stringent than the minimum standards and  
 2-58 other requirements under the model rules for safe and sanitary  
 2-59 water supply and sewer services adopted under Section 16.343, Water  
 2-60 Code, and any other minimum public safety standards that would  
 2-61 otherwise be applicable to the subdivision.

2-62 (d) A regulation or standard adopted by a county under this  
 2-63 section applies only to a lot that is owned by an individual, firm,  
 2-64 corporation, or other legal entity that directly or indirectly  
 2-65 offers lots for sale or lease as part of a common promotional plan  
 2-66 in the ordinary course of business, and each regulation or standard  
 2-67 must expressly state that limitation. For the purposes of this  
 2-68 subsection, "common promotional plan" means a plan or scheme of  
 2-69 operation undertaken by a person or a group acting in concert,

3-1 either personally or through an agent, to offer for sale or lease  
3-2 more than two lots when the land is:

- 3-3 (1) contiguous or part of the same area of land; or
- 3-4 (2) known, designated, or advertised as a common unit
- 3-5 or by a common name.

3-6 SECTION 4. A county may not apply an order adopted under  
3-7 Section 232.045, Local Government Code, as added by this Act, to a  
3-8 subdivision that is the subject of a judicial proceeding pending on  
3-9 September 1, 2017, to determine whether the subdivision is subject  
3-10 to a valid and existing subdivision plat.

3-11 SECTION 5. This Act takes effect January 1, 2018.

3-12 \* \* \* \* \*